

MEETING
DATE 20.07.21

South Somerset District Council

Minutes of a meeting of the **Regulation (Informal)** held at **the Virtual Meeting using Zoom meeting software on Tuesday 20 July 2021.**

(10.00 - 10.25 am)

Present:

Councillor Peter Gubbins (Chairman)

Jason Baker
Sarah Dyke
Tony Lock
Crispin Raikes

Andy Soughton
Linda Vijeh
William Wallace

Officers

Paula Goddard
Trudy Gallagher
Martin Lee
Mark Lynch
Jo Boucher

Specialist (Legal Services)
Specialist - Principal Planner
Specialist - Principal Planner, Service Delivery
Specialist - Lead Principal Planner
Case Officer (Strategy & Support Services)

7. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Malcolm Cavill, Adam Dance and Sue Osborne.

8. Declarations of Interest (Agenda Item 2)

There were no declarations of interest.

9. Public Question Time (Agenda Item 3)

There were no members of the public present.

10. Schedule of planning applications to be considered (Agenda Item 4)

Members noted the schedule of planning applications.

11. Planning Application 18/00650/OUT Knights Templar Court Nursing Home Throop Road Templecombe BA8 0HR (Agenda Item 5)

Proposal: Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application).

The Specialist Principal Planner presented the report and clarified to members the reason this application has been referred back to committee.

He explained that previously Regulation committee had resolved to grant the application subject to completion of a Section 106 legal agreement. However, despite numerous requests the applicant had chosen not to complete the agreement and therefore the application is returned to Regulation Committee with a recommendation for refusal as set out in the agenda report.

Ward member, Councillor William Wallace voiced his support of the officer's recommendation for refusal for the reasons given.

There being no further debate it was then proposed and subsequently seconded to refuse the application as per the officer's recommendation and as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That Regulation Committee recommend the Chief Executive to:

Refuse Planning Permission due to the failure to complete:

a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) in order to enable planning permission to be issued by providing an appropriate, robust mechanism to deliver the following planning obligations:

- Three affordable housing units on-site;
- A financial contribution towards affordable housing provision off-site; and
- A Travel Plan

For the following reason:

01. Whilst the principle of residential development on this vacant brownfield site within Templecombe village is considered acceptable (with the submitted illustrative plan demonstrating that 19 dwellings at a density of 20.4 units per hectare may be accommodated utilising the existing access off Troop Road, and other matters including appearance, landscaping, layout and scale may reasonably be considered at the reserved matters stage) it is the lack of an appropriate, robust mechanism to secure delivery of the necessary planning obligations of affordable housing and a Travel Plan which means the proposal is considered to be contrary to the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

(1) The proposal fails to provide an appropriate mechanism to secure the essential planning obligations required to effectively mitigate the anticipated impacts/demands which the development and the additional residents will create and is accordingly contrary to policy SS6 of the adopted South Somerset Local Plan.

(voting: unanimous)

12. Planning Application 21/00056/S73A Land Os 4200 Sutton Montis Road Queen Camel (Agenda Item 6)

Proposal: Application to vary planning condition 7 of approval 13/01697/FUL to extend the life of the solar farm from 25 years to 40 years.

The Planning Specialist presented the report and with the aid of a poweprint presentation highlighted the site and existing solar farm.

She explained this application was seeking permission to vary planning condition 7 to extend the time period for the operation of the existing solar farm from 25 years to 40 years. She also confirmed the reason why the application had been brought to the Regulation Committee was purely due to the size of the site.

The Planning Specialist highlighted the key considerations being policy support, visual and nature of impact, opportunity to continue generating renewable energy and supporting national and local objectives relating to installation and continuation of renewable energy sources.

She also noted no objections had been received, although one letter had been received from the public advising of gaps in the landscaping scheme. She explained the landscaping condition still applies to the site and would do so for the duration of the permission. She had therefore advised the applicant of these concerns and their requirement to comply with the condition. She explained that if not rectified within a suitable timescale this would be reported to the enforcement department to investigate further.

She therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application subject to the conditions from the original permission being carried forward and amended as appropriate.

In response to a members questions, the Planning Specialist confirmed that:

- The landscaping condition covered the full duration of the planning permission and that if members were minded to approve this application, the condition could be amended to ensure works would need to be carried out within the next planting season.
- At the time these applications for solar parks were first submitted the maximum timescale was for 25 years, however policy regulations have now been changed to allow for a maximum of 40 years.

During a short discussion members were in full support of the application and believed it would help secure renewable energy for the future.

There being no further debate it was then proposed and subsequently seconded to approve the application as per the officer's recommendation and as set out in the agenda report with the amendment to the landscaping condition to ensure works to be

carried out within the next planting season. On being put to the vote this was carried unanimously.

RESOLVED:

That Regulation Committee recommend the Chief Executive to:

Approve planning application reference **21/00056/S73A** for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was approved is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans received under the original planning application, drawings ref. TGC/PV001 Rev A1, TGC/PV002 Rev A1, TGC/PV003 Rev A1, TGC/PV004 Rev A1, TGC/PV007/01 Rev A1, TGC/PV009/01 Rev A1, TGC/PV010/01 Rev A1, PV 1.00 Rev A4, 2V Racking System Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The landscaping scheme shall be in accordance with the submitted Landscape Masterplan plan ref. P0046 Rev 2 and the details agreed under 14/04535/DOC. Any planting, seeding, turfing or earth moulding comprised in the approved details of landscaping that has not yet been implemented must be carried out in the first planting and seeding season following the date on this Section 73A decision notice. For the duration of this permission the trees and shrubs included in the scheme shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character in accordance with the NPPF and policies EQ2 and EQ5 of the South Somerset Local Plan.

03. Development must proceed in strict accordance with the site management plan for tree, hedge and grass maintenance of the site agreed under 14/04535/DOC shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with policy EQ2 of the South Somerset Local Plan.

04. No hedge, nor any part thereof, shall be removed, except for permitting reasonable access to the site, until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal will require the details to include the results of dormouse presence and bat activity surveys undertaken to current best practice,

an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: For the protection of bats and dormice in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy EQ4.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing 'Solar Farm 2V, 40 Module Racking' ref. 2v Racking System, received on 3 May 2013, and shall not be concreted into the ground.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

06. The development hereby permitted shall be removed and the land restored to its former condition within on or before the 28th January 2054 or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and saved Policies EQ1, EQ2 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

07. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with the NPPF and saved Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. PV 1.00 RevA4, in accordance with the CCTV design details submitted with the original application.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and saved Policies EQ2 of the South Somerset Local Plan.

09. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and to accord with the NPPF and policy EQ2 of the South Somerset Local Plan.

10. Development to proceed in strict accordance with the surface water drainage scheme for the site, agreed as part of 14/04535/DOC. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

11. The means of connection to the electricity grid from the site must accord with the details agreed under 14/04535/DOC.

- Reason: To safeguard the character and appearance of the area in accordance with the aims of Policies EQ2 of the South Somerset Local Plan.
12. The construction, surfacing and materials of the access track must accord with the details agreed under application 14/04535/DOC.
- Reason: To safeguard the character and appearance of the area in accordance with the aims of policy TA5 and EQ2 of the South Somerset Local Plan.
13. Development must proceed in strict accordance with the Site Construction Management Plan agreed under 14/04535/DOC.
- Reason: In the interests of traffic management and minimising the impacts of the construction of the development in accordance with the aims of policy TA5 and EQ7 of the South Somerset Local Plan.
14. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for protection of the main sett, minimising disturbance and harm to badgers, and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.
- Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.
15. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- Reason: To safeguard any archaeological remains on the site, and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan.
16. The solar panel arrays indicated on the revised drawing ref. 2V Racking System Rev B, received by email on 21 June 2013, shall not exceed a maximum height of 2.453m above ground level at any point on the site.
- Reason: To safeguard the character and appearance of the area, and to accord with the aims of the NPPF and policy EQ2 of the South Somerset Local Plan.
17. Development to proceed in accordance with the fencing agreed along the boundary of the site with land owned by Network Rail under application ref 14/04535/DOC, to be implemented and retained for the lifetime of the development.
- Reason: In the interests of safe operation of the railway line to the west of the site.
18. Development to proceed in accordance with the screening details agreed under 14/04535/DOC to prevent the impact of glare from solar panels on the adjacent railway line. The agreed details shall be implemented and retained and maintained for the life of the permission.
- Reason: In the interests of safe operation of the railway line to the west of the site.

Informatives:

- 01. The applicant is reminded that condition 2 on this decision notice is binding for the lifetime of the solar farm and any gaps in the landscaping scheme must be maintained or risk enforcement action being taken.

(voting: unanimous)

13. Date of next meeting (Agenda Item 7)

Members noted the date of the next meeting.

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Chairman

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Date